

REMARKS/ARGUMENTS

Claims 9, 17, 29, 30-35, 38 and 42-45 remain active and are directed to specific compounds (Claims 9 and 29), compositions containing those (Claim 17) and methods of use (Claims 29, 30-35, 38 and 42-45).

In the appeal of this case, the issues were

- (1) The rejection of Claims 1, 7-8, 17-19, 29-35, and 38-39 under 35 U.S.C. § 112, first paragraph as including new matter. The Board affirmed this rejection. By listing specific compounds in Claims 9 and 29 and to their dependent claims, those specific compounds being disclosed in the application, the issues decided on Appeal are not believed to be germane to these claims and the specification shows proper possession of the subject matter of those claims.
- (2) Another issue was the objection of Claims 9 and 29 under 37 CFR 1.75(c) that Claims 9 and 29 fail to further limit the claims from which they depend. This issue is no longer relevant as Claims 9 and 29 do not depend from any other claim in the amended claim set submitted in this paper.
- (3) Another issue was the rejection of Claims 1, 7-8, 17-19, 29-35, 38-39 and 41-45 under 35 U.S.C. § 112 first paragraph based on the allegation that the claims fail to comply with the written description and enablement requirements. This rejection was affirmed, in part, relating to the method of use claims, but reversed on the composition, process of making claims. The claims are limited to specific compounds and as such it is requested that the enablement rejection for the use of these specific compounds in the specific method claimed be reconsidered.

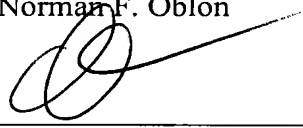
Application No. 10/088,090
Amendment

- (4) The final issue appealed was the rejection of Claim 1 under 35 U.S.C. § 103(a) in view of U.S. patent no. 6,646,149. The Board affirmed this rejection. Claim 1 has been cancelled and as such the rejection is no longer applicable.

A Notice of Allowance is kindly requested.

Respectfully submitted,

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